

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIGI GIROTTA,

Plaintiff,

-against-

HASTENS BEDS, et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 10/28/2024

24cv-02552 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

In an Order dated July 12, 2024 (Dkt. No. 18), the Court directed Plaintiff to file an Amended Complaint by July 19, 2024. Despite filing errors, Plaintiff met this deadline and the Court deemed the filing of Plaintiff's Second Amended Complaint as the operative complaint in this action. *See* Dkt. Nos. 21, 24. Plaintiff's Second Amended Complaint added two new defendants, VRT Ventures and Martin Bondell. *See* Dkt. No. 21.

Plaintiff timely served Defendant VRT Ventures on August 6, 2024 and filed proof of service on August 9, 2024. Dkt. No. 30. On September 3, 2024, Plaintiff moved for leave to serve Defendant Bondell via alternative service. Dkt. No. 34. The Court denied Plaintiff's motion on September 9, 2024. Dkt. No. 35. As of the date of this Opinion and Order, no proof of service has been filed for Defendant Bondell.

Accordingly, it is hereby ORDERED that Plaintiff shall file proof of service for Defendant Bondell no later than **November 12, 2024**. Should Plaintiff fail to file proof of service by this date, Defendant Bondell will be dismissed from this action with prejudice without further notice to any party. *See* Fed. R. Civ. P. 4(m). It is further ORDERED that Plaintiff and any Defendant who has been properly served shall meet and confer, in accordance with the Court's July 23, 2024 Order (Dkt. No. 25), no later than **December 12, 2024** and shall file a joint letter informing the Court whether the parties have settled no later than **January 3, 2025**. If the parties do not reach a settlement by that date, the joint letter should request that the Court either (1) refer the case to mediation or to a Magistrate Judge for a settlement conference (and indicate a preference between the two options), or (2) proceed with an initial status conference. No extensions of the deadlines described herein will be granted, absent a detailed showing of good cause.

Dated: October 28, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge